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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,354	09/25/2001	Brian Slesinsky	19312.0019	5878

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 03/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/961,354

Applicant(s)

SLESINSKY, BRIAN

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,12,23-30,32 and 34-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12,23-30,32, and 34-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-February-2004 has been entered.
2. The amendment filed on 11-February-2004 has been received and entered. Claims 9, 11, 13-22, 31, and 33 have been cancelled. Claims 34-55 are added. Therefore, claims 1-8, 10, 12, 14-21, 23-30, 32, and 34-57 are now pending.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered newly added claim 52 on page 10 has been renumbered 54.

Misnumbered newly added claim 53 on page 10 has been renumbered 55.

Misnumbered newly added claim 54 on page 10 has been renumbered 56.

Misnumbered newly added claim 55 on page 10 has been renumbered 57.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 10, 23, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al. (U.S. Patent No. 6,119,130).

As to claims 1, and 23, Nguyen et al. discloses a computer program product for synchronizing a database with a software applications which supports the database (See column 12, lines 44-46), the computer program product comprising:

a computer readable medium; and

computer program instructions, recorded on the computer readable medium, executable by a processor, for performing the steps of:

a method of synchronizing a database with a software application which supports the databases (See column 6, lines 48-67, also see column 7, lines 1-21):

obtaining a table schema employed by a version of a software application which utilizes a database (See column 7, lines 22-46, also see column 19, lines 36-67); and

synchronizing the database to conform to with the table schema employed by the version of the software application (See column 17, lines 6-27).

As to claims 10, and 32, Nguyen et al. discloses wherein synchronizing the database to conform with the table schema employed by the version of the software application includes creating schema data in the database according to the schema employed by the version of the software application (Se column 15, lines 7-30, also see column 12, lines 4-35).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-8, 12, 24-30, and 34-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (U.S. Patent No. 6,119,130) in view of Zander (U.S. Patent No. 6,453,310 B1).

As to claims 2, and 24, Nguyen et al. does not teach further comprising representing the table schema employed by the version of the software application.

Zander teaches further comprising representing the table schema employed by the version of the software application (See Zander column 10, lines 38-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Nguyen et al. to include further comprising representing the table schema employed by the version of the software application.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Nguyen et al. by the teaching of Zander to include further comprising representing the table schema employed by the version of the software application because it allows for efficient method to read and view data stored in a database by different applications.

As to claims 3, 25, and 37, Nguyen et al. as modified discloses wherein the configuration file is provided in a markup language (See Zander column 1, lines 51-59, also see Zander column 2, lines 15-30).

As to claims 4, and 26, Nguyen et al. as modified discloses comprising determining that the table schema employed by the version of the software application conflicts with the database (See column 5, lines 41-60, also see column 6, lines 25-45).

As to claims 5, and 27, Nguyen et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database includes reading the configuration file (See column 5, lines 41-67, also see column 6, lines 1-37).

As to claim 6, and 28, Nguyen et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database includes examining the table schema implemented by the database (See column 6, lines 3-45, also see column 8, lines 5-53).

As to claim 7, and 29, Nguyen et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database includes identifying schema data in the table schema employed by the version of the software application required in the table schema implemented by the database (See column 5, lines 41-60, also see column 6, lines 25-45).

As to claims 8, and 30, Nguyen et al. as modified discloses wherein synchronizing the database to conform with the table schema employed by the version of the software application includes adding the schema data to the database (See column 10, lines 1-67).

As to claim 12, Nguyen et al. discloses a system for synchronizing a database with a software applications which supports the database comprising:

a script maker operable to synchronize the database to conform with the table schema employed by the version of the software application (See column 4, lines 49-67, also see column 5, lines 1-24).

Nguyen et al. does not teach a first interface operable to obtain a table schema employed by the version of the software application which utilizes a database.

Zander teaches a first interface operable to obtain a table schema employed by the version of the software application which utilizes a database (See Zander column 1, lines 43-50, also see Zander column 5, lines 47-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Nguyen et al. to include a first interface operable to obtain a table schema employed by the version of the software application which utilizes a database.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Nguyen et al. by the teaching of Zander to include a first interface operable to obtain a table schema employed by the version of the software application which utilizes a database because it is well known in the database art to have an interface between the database and the application that provides for access and coupling of program module.

As to claim 34, Nguyen et al. as modified discloses wherein the table schema is represented in a configuration file (See Zander column 6, lines 1-67).

As to claims 46, 35, and 52, Nguyen et al. as modified discloses wherein the configuration file represents the table schema employed by the version of the software application in a database neutral manner (See figure 5, 502, shows “neutral manner” being represented by “supply data without conversion”).

As to claims 36, 47, and 53, Nguyen et al. as modified discloses wherein the configuration file includes database representation table data associated with the version of the software application (See column 11, lines 2-40, also see Zander column 10, lines 38-67).

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As to claim 38, Nguyen et al. as modified discloses wherein the script maker includes a difference algorithm operable to determine the differences between the table schema and the database (See Zander column 7, lines 1-64).

As to claim 39, Nguyen et al. as modified discloses wherein the difference algorithm is operable to read the configuration file (See column 11, lines 50-64, also see column 13, lines 41-50).

As to claim 40, Nguyen et al. as modified discloses wherein the difference algorithm is operable to identify schema data in the table schema not included in the database (See column 6, lines 3-37, also see column 5, lines 1-36).

As to claim 41, Nguyen et al. as modified discloses wherein the script maker is operable to add the schema data to the database (See Zander column 9, lines 36-50).

As to claims 42, 48, and 54, Nguyen et al. as modified discloses wherein obtaining the table schema includes reading the configuration file (See Zander column 10, lines 38-67).

As to claims 43, 49, and 55, Nguyen et al. as modified discloses wherein synchronizing the table schema with the database occurs in association with an installation of the software version (See Zander column 9, lines 10-30, also see Nguyen et al. column 6, lines 39-64).

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As to claims 44, 50, and 56, Nguyen et al. as modified discloses wherein synchronizing the table schema with the database includes determining inconsistencies between the table schema and the database (See column 6, lines 20-63).

As to claims 45, 51, and 57, Nguyen et al. as modified discloses wherein synchronizing the table schema with the database further comprises includes generating a table which conforms with the table schema (See column 7, lines 1-21).

Response to Arguments

8. Applicant's arguments with respect to claims 1-8, 10, 12, 14-21, 23-30, 32, and 34-57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldring et al. (U.S. Patent No. 6,397,125 B1) teaches a method for performing design synchronization in a computer system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.


The examiner can normally be reached on 8:00AM-4: 30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
February 25, 2004


CHARLES RONES
PRIMARY EXAMINER